

CHAPTER 89-03-03 DEFINITIONS

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89-03-03-01. Definitions. The following definitions apply to this title:

1. "One-mile radius" means the distance of one mile [1.6 kilometers] from a specific point of diversion as listed in a water permit application. Where the point of diversion is listed as a parcel, the one mile [1.6 kilometers] is measured from the exterior boundary of the area contained in the legal description.
2. "Point of diversion" is the geographical location from which water is appropriated for beneficial use. A point of diversion may be described as a tract of land, that is, a forty, one hundred sixty, or six hundred forty acre tract of land, or it may be described as a specific point using a metes and bounds description.
3. "Works" include canals, ditches, pipelines, and other conveyance systems, irrigation facilities, wells, pumps, dams, dikes, reservoirs, and other devices used for the appropriation or storage of water and land improved for irrigation.

History: Effective April 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-02, 61-04-05

89-03-03-02. Definition of domestic rural use. For the purpose of North Dakota Century Code section 61-04-01.1, "domestic rural use" means two or more family units or households obtaining water from the same system for personal needs and for household purposes, including, but not limited to, heating, drinking, washing, sanitary, and culinary uses; irrigation of land not exceeding one acre [.40 hectare] in area for each family unit or household for noncommercial gardens, orchards, lawns, trees, or shrubbery; and for household pets and domestic animals kept for household sustenance and not for sale or commercial use.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-01.1

89-03-03-03. Definition of aquaculture. "Aquaculture" means the cultivation of the natural produce of water. Aquaculture must be considered an industrial use.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-01.1

89-03-03-04. Definition of reasonably necessary for the future water requirements of a municipality or rural water system. "Reasonably necessary for the future water requirements of a municipality or rural water system" means the amount of water estimated to be required thirty years in the future. The total quantity of water a municipality or rural water system may hold under all permits for municipal use may not exceed the quantity the municipality or rural water system can reasonably expect to use thirty years in the future.

History: Effective November 1, 1989; amended effective August 1, 1994; June 1, 1998.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-06.2, 61-04-23, 61-04-24, 61-04-25

89-03-03-05. Definition of stored water. "Stored water" means water temporarily or permanently retained by or in a dam, dike, excavation, or other constructed works.

History: Effective November 1, 1989.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-04-01.2, 61-04-02, 61-04-17